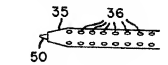
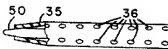


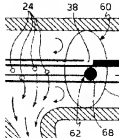


REMARKS

The Examiner rejected Claims 1-15, 18-21, and 24-26. In doing so, the Examiner argued that U.S. 3,490,457 (Petersen) teaches a catheter having a second occluding means comprising an occluding body and an insertion cable. The second occluding means identified by the Examiner in Petersen, however, is distinct from the Applicant's second occluding means. The second occluding means in Petersen includes a narrow obturator tip (50). As can be seen below, such occluding means is unable to prevent the flow of fluid through the openings (36) during insertion because the obturator tip (50) is narrower than the cavity in which it is inserted. By contrast, in Applicant's invention, the second occluding means includes an occluding body (68) that fits snugly within the main cavity, thereby preventing any fluid from passing during insertion of such second occluding means. Thus, a user of Applicant's catheter need not extend such second occluding means through to the end of the catheter to force fluid through the openings (24), as required by Petersen. Indeed, a user of Applicant's catheter can partially insert such second occluding means into the main cavity and thereby force fluid out a select number of the openings (24). Applicant further notes that, similarly, in U.S. 5,908,407 (Frazee), the Examiner's second occluding means (127) is not substantially the same size as the main cavity of the catheter; rather, it is essentially a non-movable slit (130) positioned at the end of the catheter. For these reasons, Claims 1-3 and 24-26 are allowable. Claims 4-8, 10-15, and 18-21 are allowable for similar reasons. New Claim 31 is also allowable for similar reasons.

<p align="center">Petersen</p>	<p align="center">Frazee</p>	<p align="center">Applicant</p>
<p align="center"><i>Portion of Figure 1</i></p>  <p align="center"><i>Portion of Figure 2</i></p> 	<p align="center"><i>Portion of Figure 4</i></p>  <p align="center"><i>Figure 7</i></p> 	<p align="center"><i>Portion of Figure 3</i></p> 

The Applicant also notes that the Examiner objected to Claims 1, 9, 24, and 26. Applicant has canceled Claim 9, and amended Claims 1, 24, and 26, in view of the Examiner's objections.

RESTRICTION

The Examiner stated that Claims 27-30 were "withdrawn from consideration as being directed to a non-elected invention" due to Applicant's election without traverse to the Examiner's restriction requirement. Applicant disagrees with the Examiner, and respectfully requests that the Examiner consider Claims 27-30 on their merits.

In the Examiner's office action dated 7/10/2008, the Examiner required Applicant to elect between (1) Claims 1-15, 18-21, and 24, which were drawn to a catheter, and (2) Claims 22 and 23, which were drawn to a method for the use of a catheter, because such product and such process claims did not relate to a "single general inventive concept." In response, Applicant elected Claims 1-15, 18-21, and 24 without traverse.

Applicant's election does not apply to Claims 27-30, however, because these claims do not, as the Examiner contends, parallel withdrawn Claims 22-23. Indeed, unlike withdrawn Claims 22-23, Claims 27-30 do share a "special technical feature" with Claims 1-15, 18-21, and 24. Specifically, each of Claims 27-30 require the use of a catheter as claimed in a specific product claim (e.g., for Claim 27, the catheter of Claim 1). Correspondingly, Claims 27-30 share the same "special technical feature" as those product claims, i.e., the claimed second occluding means. And, therefore, Claims 27-31 are allowable for the same or similar reasons as Claim 1.

CONCLUSION

In view of the foregoing, a timely allowance of the pending claims is requested.

In the event that an appropriate fee amount is not enclosed by check for any fees due in connection with the filing of this Response or requisite extensions of time, please charge any deficiencies or credit any overpayments to Deposit Account No. 50-1349.

Application No. 10/560,933
Response to Office Action Dated March 11, 2009
Attorney Docket No. 82062-0187
Page 11 of 11

Finally, the Examiner is invited to contact the undersigned by telephone to discuss any matters that the Examiner feels may expedite the progress of the present application toward allowance.

Respectfully submitted,

Dated: February 26, 2010

HOGAN & HARTSON LLP

555 13th Street, N.W.
Washington, D.C. 20004
Telephone: 202-637-5600
Facsimile: 202-637-5910
email: dcptopatents@hhlaw.com

By: /Celine Jimenez Crowson/
Celine J. Crowson
Registration No. 40,357